



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,848	12/03/2003	Robert H. Wright	030364	5634
36192 7590 06/17/2009 AT&T Legal Department - CC Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
CARDENAS NAVIA, JAIME F				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
06/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,848

Applicant(s)

WRIGHT ET AL.

Examiner

Jaime Cardenas-Navia

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-21, 24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-21, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **NON-FINAL** office action is in response to communications received on April 7, 2009. Claims 1, 12, and 24 have been amended. Claims 1-9, 12-21, 24, 26, and 27 are currently pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 7, 2009 has been entered.

Response to Arguments

3. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues that:

(A) regarding independent claims 1, 12, and 24, neither Sinex, Ferriter, nor Slate teach or suggest the newly claimed limitations, particularly "the first to-do list including items planned to be completed in the current workday" and "wherein after an item on the to-do list is selected and the exception presents problems that cannot be solved that current workday, a jeopardy option is selected"; and

(B) regarding all dependent claims, they are allowable based on containing the same subject matter as the independent claims from which they depend.

Regarding argument (A), Examiner respectfully disagrees. Col. 7, lines 35-60 of Sinex teach a GUI (Fig. 7) in which the user can selected all tasks due within a user-specified date range, such as the current workday. In regards to Applicant's argument that the references do not teach a distinction between an exception and a jeopardy option, Examiner directs Applicant to col. 9, lines 23-34 and col. 13, lines 23-34 of Sinex. Col. 9, lines 23-34 teach tracking "corrective action" notes which were taken by a mechanic. Essentially, upon detection of an exception, corrective action is taken by the mechanic and recorded in the logbook. Col. 13, lines 23-34 teach a user option for delaying completion of a task by days. Essentially, upon detection of an exception that cannot be corrected that day, the user inputs a description of the problem and a length of the delay. Sinex does not explicitly teach storing an exception start time and a menu of exception categories. These limitations are taught by Ferriter (col. 12, lines 43-53) and Slate (par. 265) respectively.

Regarding argument (B), Examiner relies on the argument above.

Official Notice

4. The Examiner would like to note the requirements for traversing official notice from MPEP § 2144.03:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed

fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b).

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate [emphasis added].

Because Applicant has not specifically pointed out any errors in the Examiner's action, the officially noticed facts in the previous office action are deemed admitted prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 7-9, 12-14, 18-21, 24, 26, and 27 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sinex (US 6,571,158 B2) in view of Ferriter (US 5,212,635) and Slate et al. (US 2002/0147603 A1).

Regarding claim 1, Sinex teaches:

A system for measuring work productivity (col. 9, lines 17-19, employee efficiency is work productivity) comprising:

an activities-recording computer (col. 17, lines 9-13, client/server and Internet technologies are a web server, which is an activities-recording computer);

a first memory device in communication with the activities-recording computer, the first memory device having at least a first to-do list stored therein (col. 3, lines 29-31, col. 17, lines 9-16, memory is implied);

at least a first technician computer in communication with the activities- recording computer (col. 17, lines 9-16, implied by client/server), the first technician computer being operated by a first technician (col. 7, lines 35-46); and

at least a first display monitor connected to the first technician computer (col. 7, lines 34-36, screen);

at least a first input device connected to the first technician computer (col. 7, lines 38-41);
wherein the activities-recording computer retrieves the first to-do list from the first memory device and sends it to the first technician computer (col. 3, lines 29-31, col. 17, lines 9-13, means for are the client/server Internet technology), the first to-do list including items planned to be completed in the current workday (col. 7, lines 35-60 of Sinex teach a GUI (Fig. 7) in which the user can selected all tasks due within a user-specified date range, such as the current workday), the first technician computer causing the first to-do list to be displayed on the first display monitor (col. 7, lines 34-37, Fig. 7), and wherein if the first technician selects an item on the displayed first to-do list with the first input device, the first technician computer sends an indication of the selection to the activities-recording computer and the activities-recording computer causes the indication to be stored in the first memory device (col. 9, lines 9-19, the start time associated with the selected task is recorded);

wherein after an item on the to-do list is selected, an exception option displayed on the first display monitor is selected with the first input device, the exception option denoting events that divert the first technician away from working on the item for a period of time (col. 9, lines 23-34 teach tracking "corrective action" notes which were taken by a mechanic. Essentially, upon detection of an exception, corrective action is taken by the mechanic and recorded in the logbook); and

wherein after an item on the to-do list is selected and the exception presents problems that cannot be solved that current workday, a jeopardy option is selected, the activities-recording computer stores a jeopardy identifier in the first memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of the problem (fig. 7, taskcard number 364, col. 13, lines 23-34, reason for delay).

Sinex does not explicitly teach wherein the activities-recording computer stores an exception start time indication in the first memory device, including a menu of exception categories, the technician selecting one of the exception categories.

Ferriter teaches wherein the activities-recording computer stores an exception start time indication in the first memory device (col. 5, lines 35-44, suspension is exception).

The inventions of Sinex and Ferriter pertain to monitoring work productivity. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Ferriter does not teach away from or contradict Sinex, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and

the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching of Sinex of recording work-in-progress notes, which are essentially exceptions that occur during task execution (col. 12, lines 43-53).

Neither Sinex nor Ferriter explicitly teach the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories.

Slate teaches the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories (par. 265, drop-down menu of selectable reasons for postponement).

The inventions of Slate, Sinex and Ferriter pertain to managing activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Slate does not teach away from or contradict Sinex or Ferriter, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching of Sinex of drop-down menus with selectable options (fig. 14).

Regarding claim 2, Sinex teaches a network, the activities-recording computer and the first technician computer being connected to the network and being in communication with each other via the network (col. 17, lines 9-16, the internet is a network).

Regarding claim 3, Sinex teaches wherein the activities-recording computer is a web server and wherein the first technician computer runs a web browser program that displays the first to-do list in a window on the first display monitor (col. 17, lines 9-16, internet browser is a web browser, col. 3, lines 29-31, col. 7, lines 34-37, Fig. 7).

Regarding claim 7, Sinex teaches wherein the network is the Internet (col. 17, lines 9-16).

Regarding claim 8, Sinex teaches wherein if an item on the first to-do list is selected with the input device, a start time indication associated with the selected item is stored by the activities-recording computer along with the indication of the selection in the first memory device (col. 9, lines 9-22).

Regarding claim 9, Sinex teaches wherein if after an item is selected on the to-do list, a logoff option displayed on the first display monitor is selected with the first input device, the activities-recording computer stores a stop time indication associated with the item selected from the to-do list in the first memory device (col. 9, lines 9-22).

Regarding claims 12-14, 18-21, and 24, 26, and 27, they are rejected using the same art and rationale used above for rejecting claims 1-3 and 7-9. This is because claims 12-14 and 18-21 claim a method for performing the steps of the system of claims 1-3 and 7-9, while claims 24, 26 and 27 claim a computer program for performing the steps of the system of claims 1 and 8-9.

7. **Claims 4-6 and 15-17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sinex (US 6,571,158 B2) in view of Ferriter (US 5,212,635) and Slate et al. (US 2002/0147603 A1) as applied to claims 3 and 14, respectively.

Regarding claim 4, Sinex does not teach wherein the network is an intranet that uses a Transmission Control Protocol/Internet Protocol (TCP/IP) to transmit packets to IP addresses on the network.

Official notice is given that wherein the network is an intranet that uses a Transmission Control Protocol/Internet Protocol (TCP/IP) to transmit packets to IP addresses on the network is old and well-known. Additionally, the methods for implementing TCP/IP within an intranet network are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of using a standardized transfer protocol.

Regarding claim 5, Sinex does not teach wherein the network is a local area network (LAN).

Official notice is given that wherein the network is a local area network (LAN) is old and well-known. Additionally, the methods for implementing the network as a LAN are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a

combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of keeping the network local.

Regarding claim 6, Sinex does not teach wherein the network is a wide area network (WAN).

Official notice is given that wherein the network is a wide area network (WAN) is old and well-known. Additionally, the methods for implementing the network as a WAN are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of making the network more widely available.

Regarding claims 15-17, they are rejected using the same art and rationale used above for rejecting claims 4-6. This is because claims 15-17 claim a method for performing the steps of the system of claims 4-6.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 15, 2009

/J. C./
Examiner, Art Unit 3624

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624